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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/004,318	11/20/2001	John Joseph King	LF101US	8272

7590

09/24/2002

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EXAMINER

NGUYEN, DUC M

ART UNIT

PAPER NUMBER

2682

DATE MAILED: 09/24/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

961

Office Action Summary

Application No.

10/004,318

Applicant(s)

King et al

Examiner

Duc Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 2 6) ☐ Other:

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DETAILED ACTION

Information Disclosure Statement

1. The references listed in the information disclosure statements submitted on 11/20/01 has been considered by the examiner (see attached PTO-1449).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims **1-3, 5, 7-12, 14-20** are rejected under 35 U.S.C. 102(a) as being anticipated by **Wells et al** (US Patent Number **5,870,683**).

Regarding claims **1-3, 5, 7-10**, **Wells** discloses a method for selectively displaying one of a plurality of graphical information sequences (GIS) during an idle state (screen saver) of the mobile station (see Abstract and col. 10, lines 48-55), which would include all the claimed limitations, comprising :

- a display (see Fig. 1, ref. 20);
- a control circuit (see Fig. 1, ref. 18);
- a user interfaces and program for enabling display of a predetermined picture file (see Fig. 1, ref. 22, col. 3, line 25 - col. 4, line 10, col. 10, lines 3-25);

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- a keyboard (see Fig. 1, ref. 22);
- an icon or tool bar for accessing picture files (see col. 7, line 61 - col. 8, line 13);
- a memory (see Fig. 1, ref. 24);
- a circuit for downloading picture files from a computer (data processor, see col. 4, lines 5-10, col. 10, lines 9-25);
- a circuit for downloading picture files by a wireless (RF) protocol from telecommunication networks (see col. 4, lines 5-10, col. 10, lines 9-25);
- a circuit for downloading picture files from a remote device (see col. 4, lines 5-10, col. 10, lines 9-25);
- displaying content information with picture file (see col. 3, line 54 - col. 4, line 10).
- detecting a screen saver condition (Idle, Alerting or Auto-Demo modes, see col. 2, lines 13-25, col. 9, lines 33-60).

Regarding claims 11-12, 14-20, the claims are interpreted and rejected for the same reason as set forth in claims 1-3, 5, 7-10 above.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 4, 6, 13 are rejected under 35 U.S.C. 103(a) as being unpatentable by **Wells**.

Regarding claims 6, 13, they are rejected for the same reason as set forth in claim 1 above. In addition, since sending/receiving a picture or file as an attachment to an e-mail message is well known, and since sending/receiving an e-mail message in a cellular network is also well known, and since **Wells** discloses the GIS is downloaded from the telecommunication network through RF link by SMS messages, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the above teachings of **Wells** for downlink picture files as an attachment to an email message as well, for being able to receive picture files from a computer terminal remotely.

Regarding claim 4, it is rejected for the same reason as set forth in claim 6 above, wherein it would have been obvious that an e-mail message comprises a wired protocol.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- **Watanabe** (US Patent Number 6,327,612), Electronic mail transmission with selective file attachment.

- **Detlef** (US Patent Number 6,351,523), Method and apparatus for management of email originated by thin client devices.

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- **O'Cinneide** (US Patent Number 6,138,036), Wireless telephone with voice data interface mode.

7. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:


(703) 872-9314 (for formal communications intended for entry)

(for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington VA, Sixth Floor (Receptionist).

Any inquiry concerning this communication or communications from the examiner should be directed to Duc M. Nguyen whose telephone number is (703) 306-4531, Monday-Thursday (9:00 AM - 5:00 PM). Or to Vivian Chin (Supervisor) whose telephone number is (703) 308-6739.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

Duc M. Nguyen 

Sept 23, 2002